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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,140	11/06/2000	Outi Aho	460-009944-US(PAR)	8800
2512	7590	10/25/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/707,140

Applicant(s)

AHO, OUTI

Examiner

Thong H. Vu

Art Unit

2142

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. Claims 1-52 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection. The Double Patenting Rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Inoue, Forslow-Grapes.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13,15-28,31,33-38,41-52 rejected under 35 U.S.C. 102(e) as being anticipated by Inoue et al [Inoue 6,643,284 B1].

3. As per claim 1, Inoue discloses a method for implementing a multimedia messaging service between a wireless terminal that communicates with a communication network over a radio path and a server [Inoue, multimedia, col 7 lines 10-20; Internet and radio portable terminal device, col 6 lines 20-31]; the method comprising the steps of:

- Receiving and storing a multimedia message addressed to the wireless terminal at the server (i.e.: radio base station), said multimedia message comprising at least one multimedia component, said multimedia message comprising at least one multimedia component [Inoue, the radio portable terminal device access some web page, col 5 line 62-col 6 line 3]

- Storing information on at least one property of the wireless terminal in the server, characterized in that the method further comprises determining if there is any component of the multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal, wherein if there exists one or more such component, they are selected for transmission and transmitted to the wireless terminal [Inoue, determines communications according to properties, col 5 lines 40-45]. It was clearly that the packets communications came from the radio terminal device.

4. Claims 19,35,43 contain the similar limitations set forth of apparatus claim 1. Therefore, claims 19,35,43 are rejected for the similar rationale set forth in claim 1.

5. As per claims 2,20,44 Inoue discloses selecting at least one bearer for transmission of the selected component(s) of the multimedia message as inherent feature of Internet.

6. As per claims 3,21 Inoue discloses the selection of at least one bearer is performed in the wireless terminal as inherent feature of Internet and mobile client.
7. As per claims 5,23 Inoue discloses the selection of a component of a multimedia message for transmission is performed in the server [Inoue, multimedia, col 7 lines 10-20; Internet and radio portable terminal device, col 6 lines 20-31]
8. As per claims 6,24,37,46 Inoue discloses information on at least one property of the wireless terminal is changed to prevent or allow the transmission of at least one component of the multimedia message as inherent feature of the property information.
9. As per claims 7,25,47 Inoue discloses said information on the properties of the wireless terminal comprises information on the available storage capacity of the wireless terminal as inherent feature of the property information.
10. As per claims 8,26,48 Inoue discloses said information on the properties of the wireless terminal comprises information on the capability of the wireless terminal to process multimedia components of a particular type [Inoue, determines communications according to properties, col 5 lines 40-45].
11. As per claims 9,27,49 Inoue discloses the capability of the wireless terminal to process multimedia components is defined on the basis of the hardware properties of

the wireless terminal and/or the properties of the programs installed in the wireless terminal [Inoue, multimedia, col 7 lines 10-20; Internet and radio portable terminal device, col 6 lines 20-31].

12. As per claims 10,28,38 Inoue discloses a maximum time of validity is defined for the information on the properties of the wireless terminal stored in said server [Inoue, determines communications according to properties, col 5 lines 40-45].

13. As per claims 11,50 Inoue discloses a multimedia message addressed to the wireless terminal and comprising at least one multimedia component, is received at the server and a notification message is transmitted to the wireless terminal to indicate that a multimedia message has arrived, characterized in that in the method it is examined whether information on the properties of the wireless terminal in question is stored in the server, wherein, if said information is not stored in the server, said notification message is supplemented with a request to update the properties of the wireless terminal, wherein information on the properties of the wireless terminal is transmitted from the wireless terminal to the server [Inoue, multimedia, col 7 lines 10-20; Internet and radio portable terminal device, col 6 lines 20-31].

14. As per claim 12, Inoue discloses examined whether said information on the properties of the wireless terminal stored in the server is valid, wherein if said information is not valid, said notification message is supplemented with a request to

update the properties of the wireless terminal [Inoue, determines communications according to properties, col 5 lines 40-45].

15. As per claims 13,31 Inoue discloses said property information stored in the server is used as the property information of the wireless terminal if the sever does not receive a reply from the wireless terminal to said property update request as inherent feature of the property information.

16. As per claims 15,33,42 Inoue discloses a WAP terminal is used as a wireless terminal and that a multimedia message service centre (MMSC) is used as a server [Inoue, multimedia, col 7 lines 10-20; Internet and radio portable terminal device, col 6 lines 20-31].

17. As per claims 16,34,52 Inoue discloses a connection set-up request is transmitted from the wireless terminal to set up a connection for the transmission of at least one multimedia component of a multimedia message addressed to said wireless terminal, characterized in that the connection set-up message used is a Uaprof information transmission message according to WAP specifications, and that the header field is supplemented with a profile-diff header field, if the connection set-up message is supplemented with information on the properties of the wireless terminal, or the header field is supplemented with a profile header field if the connection set-up message is not

supplemented with information on the properties of the wireless terminal [Inoue, determines communications according to properties, col 5 lines 40-45].

18. As per claim 17, Inoue discloses those components of the multimedia message specified in the property information of the receiving wireless terminal stored in the multimedia messaging system are transmitted without a transmission request being transmitted from the wireless terminal [Inoue, determines communications according to properties, col 5 lines 40-45].

19. As per claims 18,41 Inoue discloses a transmission request is transmitted from the wireless terminal to transmit such multimedia message components which have *not* been specified in the property information of the receiving wireless terminal stored in the multimedia messaging system as inherent feature of multimedia message.

20. As per claim 51, Inoue discloses the wireless terminal is a WAP terminal or mobile node [Inoue, radio portable terminal device, col 6 lines 20-31].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



Claims 4,14,22,29,32,30,36,39,40,45 are rejected under 35 U.S.C. 103(a) as being unpatentable by Inoue et al [Inoue 6,643,284 B1] in view of Grapes [6,446,130 B1].

21. As per claims 4,14,22,29,32,30,36,39,40,45 Inoue discloses a method for implementing a multimedia messaging service between a wireless terminal that communicates with a communication network over a radio path and a server [Inoue, multimedia, col 7 lines 10-20; Internet and radio portable terminal device, col 6 lines 20-31]

However Inoue does not explicitly detail the notification message.

It was well-known in the art that the mobile or RF devices transferred the multimedia packages defined by the properties would update the multimedia content and provides an alert /notification to the user or system administrator [Grapes, col3 lines 65-col 4 line 14; col 5 lines 21-38;col 7 lines 34-53; col 11 lines 10-24]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the update and notification process between the mobile devices and server as taught by Grapes into the Inoue's apparatus in order to utilize the modify process. Doing would provide a high quality dynamically multimedia information specifically suited to the target users [Grapes, col 2 lines 56-63].

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13,15-28,31,33-38,41-52 rejected under 35 U.S.C. 102(e) as being anticipated by Forslow [6,608,832 B2].

22. As per claim 1, Forslow discloses a method for implementing a multimedia messaging service between a wireless terminal that communicates with a communication network over a radio path and a server [Forslow, mobile network, radio systems, col 1 lines 25-40; multimedia, col 2 lines 1-10; Web and DNS Servers, col 9 lines 25-37]; the method comprising the steps of:

- Receiving and storing a multimedia message addressed to the wireless terminal at the server, said multimedia message comprising at least one multimedia component, said multimedia message comprising at least one multimedia component [Forslow, multimedia, col 2 lines 1-10]

- Storing information on at least one mobile station profile (or property of the wireless terminal) in the server, characterized in that the method further comprises determining if there is any component of the multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal, wherein if there exists one or more such component, they are selected for transmission and transmitted to the wireless terminal [Forslow, col 17 lines 1-12].

23. Claims 19,35,43 contain the similar limitations set forth of apparatus claim 1. Therefore, claims 19,35,43 are rejected for the similar rationale set forth in claim 1.

24. As per claims 2,20,44 Forslow discloses selecting at least one bearer for transmission of the selected component(s) of the multimedia message as inherent feature of Internet.

25. As per claims 3,21 Forslow discloses the selection of at least one bearer is performed in the wireless terminal as inherent feature of Internet and mobile client.

26. As per claims 5,23 Forslow discloses the selection of a component of a multimedia message for transmission is performed in the server [Forslow, multimedia, col 2 lines 1-10]

27. As per claims 6,24,37,46 Forslow discloses information on at least one property of the wireless terminal is changed to prevent or allow the transmission of at least one component of the multimedia message [Forslow, modified parameters, col 12 lines 56-67].

28. As per claims 7,25,47 Forslow discloses said information on the properties of the wireless terminal comprises information on the available storage capacity of the wireless terminal [Forslow, col 17 lines 1-12].

29. As per claims 8,26,48 Forslow discloses said information on the properties of the wireless terminal comprises information on the capability of the wireless terminal to process multimedia components of a particular type [Forslow, col 17 lines 1-12].

30. As per claims 9,27,49 Forslow discloses the capability of the wireless terminal to process multimedia components is defined on the basis of the hardware properties of the wireless terminal and/or the properties of the programs installed in the wireless terminal [Forslow, col 17 lines 1-12].

31. As per claims 10,28,38 Forslow discloses a maximum time of validity is defined for the information on the properties of the wireless terminal stored in said server [Forslow, col 17 lines 1-12].

32. As per claims 11,50 Forslow discloses a multimedia message addressed to the wireless terminal and comprising at least one multimedia component, is received at the server and a notification message is transmitted to the wireless terminal to indicate that a multimedia message has arrived, characterized in that in the method it is examined whether information on the properties of the wireless terminal in question is stored in the server, wherein, if said information is not stored in the server, said notification message is supplemented with a request to update the properties of the wireless terminal,

wherein information on the properties of the wireless terminal is transmitted from the wireless terminal to the server [Forslow, modified parameters, col 12 lines 56-67].

33. As per claim 12, Forslow discloses examined whether said information on the properties of the wireless terminal stored in the server is valid, wherein if said information is not valid, said notification message is supplemented with a request to update the properties of the wireless terminal [Forslow, modified parameters, col 12 lines 56-67].

34. As per claims 13,31 Forslow discloses said property information stored in the server is used as the property information of the wireless terminal if the sever does not receive a reply from the wireless terminal to said property update request [Forslow, modified parameters, col 12 lines 56-67].

35. As per claims 15,33,42 Forslow discloses a WAP terminal is used as a wireless terminal and that a multimedia message service centre (MMSC) is used as a server [Forslow, col 17 lines 1-12].

36. As per claims 16,34,52 Forslow discloses a connection set-up request is transmitted from the wireless terminal to set up a connection for the transmission of at least one multimedia component of a multimedia message addressed to said wireless terminal, characterized in that the connection set-up message used is a Uaprof

information transmission message according to WAP specifications, and that the header field is supplemented with a profile-diff header field, if the connection set-up message is supplemented with information on the properties of the wireless terminal, or the header field is supplemented with a profile header field if the connection set-up message is not supplemented with information on the properties of the wireless terminal [Forslow, col 17 lines 1-12].

37. As per claim 17, Forslow discloses those components of the multimedia message specified in the property information of the receiving wireless terminal stored in the multimedia messaging system are transmitted without a transmission request being transmitted from the wireless terminal [Forslow, broadcast, col 21 lines 1-15].

38. As per claims 18,41 Forslow discloses a transmission request is transmitted from the wireless terminal to transmit such multimedia message components which have *not* been specified in the property information of the receiving wireless terminal stored in the multimedia messaging system as inherent feature of multimedia message.

39. As per claim 51, Forslow discloses the wireless terminal is a WAP terminal or mobile node [Forslow, mobile network, radio systems, col 1 lines 25-40; multimedia, col 2 lines 1-10; Web and DNS Servers, col 9 lines 25-37].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,14,22,29,32,30,36,39,40,45 are rejected under 35 U.S.C. 103(a) as being unpatentable Forslow [6,608,832 B2] in view of Grapes [6,446,130 B1].

40. As per claims 4,14,22,29,32,30,36,39,40,45 Forslow discloses update the properties of the wireless terminal [Forslow, modified the parameter, col 12 lines 56-67].

However Forslow does not explicitly detail the notification message.

It was well-known in the art that the mobile or RF devices transferred the multimedia packages defined by the properties would update the multimedia content and provides an alert /notification to the user or system administrator [Grapes, col3 lines 65-col 4 line 14; col 5 lines 21-38;col 7 lines 34-53; col 11 lines 10-24]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the update and notification process between the mobile devices and server as taught by Grapes into the Forslow's apparatus in order to utilize the modify parameters process. Doing would provide a high quality dynamically multimedia information specifically suited to the target users [Grapes, col 2 lines 56-63].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

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*Thong Vu*  
*Primary Examiner*  
*Art Unit 2142*

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.